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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,814	01/23/2002	Carroll W. Creswell	003493.00291	3188
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AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921			EXAMINER PHUONG, DAI	
			ART UNIT 2617	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/052,814	<b>Applicant(s)</b> CRESWELL ET AL.	
	<b>Examiner</b> Dai A. Phuong	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/04/2007 has been entered.

### ***Response to Amendment***

2. Applicant's arguments, filed 08/06/2007, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 14-15 and 17-28 have been canceled. Claims 1-13 and 16 are currently pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 9-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lesley (U.S. 6333976) in view of Davitt et al. (U.S. 6137872).

Regarding claim 1, Lesley discloses a system for automated interactive management of a communication service account, said account having parameters establishing rules of use, comprising:

a server (fig. 1, col. 4, line 28 to col. 10, line 24); and

a data storage device in communication with the server, the data storage device comprising account data that comprises the parameters establishing rules of use of at least one subscribed communication service, where said at least one subscribed communication service is accessible by a user device (fig. 1, col. 4, line 28 to col. 10, line 24),

wherein the server is configured to receive a customer-initiated signal requesting modification of a first account parameter from said parameters and to modify the first account parameter in response to the customer-initiated signal (fig. 1, col. 4, line 28 to col. 10, line 24),

wherein the server is further configured to update the first account parameter based upon use of the at least one subscribed communication service by the user device, and the server is further configured to, upon the first account parameter reaching a first predetermined value, automatically reset the first account parameter to a second predetermined value (fig. 1, col. 4, line 28 to col. 10, line 24),

wherein the first account parameter is a number of calling plan minutes allocated for a first time period, the server is configured to update the number of calling plan minutes allocated for all time periods based upon the user device placing a plurality of wireless telephone calls, the first predetermined value is a minimum calling plan minute threshold, and the second predetermined value is larger than the first predetermined value (fig. 1, col. 4, line 28 to col. 10, line 24. Once the first account parameter reaching a first predetermined value (reach expiration of value), the system prompts or notifies the user to add money value to his/her account (after

adding, it is to be a second predetermined value). Therefore, it is obvious that the second predetermined value is larger than the first predetermined value).

However, Lesley does not disclose wherein the server is configured to receive a customer-initiated signal requesting modification of a second account parameter from said parameters and the second account parameter in response to the customer-initiated signal, wherein the second account parameter is a number of calling plan minutes allocated for a second time period.

In the same field of endeavor, Davitt et al. disclose wherein the server is configured to receive a customer-initiated signal requesting modification of a second account parameter from said parameters and the second account parameter in response to the customer-initiated signal (col. 5, line 8 to col. 6, line 34), wherein the first account parameter is a number of calling plan minutes allocated for a first time period, the second account parameter is a number of calling plan minutes allocated for a second time period (col. 5, line 8 to col. 6, line 34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the telecommunication device of Lesley by specifically including wherein the server is configured to receive a customer-initiated signal requesting modification of a second account parameter from said parameters and the second account parameter in response to the customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period, the second account parameter is a number of calling plan minutes allocated for a second time period, as taught by Davitt et al., the motivation being

in order to avoid services to terminate when the pre-paid card account balance falls below the cumulative call cost.

Regarding claim 2, the combination of Lesley and Davitt et al. disclose all the limitation in claim 1. Further, Lesley discloses the system wherein the at least one subscribed communication service is wireless telephone service, the user device is a wireless telephone, the customer-initiated signal is initiated on the user device (fig. 1, col. 4, line 28 to col. 10, line 24).

Regarding claim 3, the combination of Lesley and Davitt et al. disclose all the limitation in claim 1. Further, Lesley discloses the system wherein the at least one subscribed communication service is a wireless telephone service, the user device is a wireless telephone, the customer-initiated signal is initiated on a device that is not the user device (fig. 1, col. 4, line 28 to col. 10, line 24).

Regarding claim 4, the combination of Lesley and Davitt et al. disclose all the limitation in claim 3. Further, Lesley discloses the system wherein the customer-initiated signal is initiated on a personal computer (fig. 1, col. 4, line 28 to col. 10, line 24).

Regarding claim 5, the combination of Lesley and Davitt et al. disclose all the limitation in claim 1. Further, Lesley discloses the system wherein the at least one subscribed communication service is long distance telephone service, the user device is a telephone, the customer-initiated signal is initiated on the user device (fig. 1, col. 4, line 28 to col. 10, line 24).

Regarding claim 6, the combination of Lesley and Davitt et al. disclose all the limitation in claim 1. Further, Lesley discloses the system wherein the at least one subscribed communication service is a long distance wireless telephone service, the user device is a

wireless, the customer-initiated signal is initiated on a device that is not the user device (fig. 1, col. 4, line 28 to col. 10, line 24).

Regarding claim 7, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 9, the combination of Lesley and Davitt et al. disclose all the limitation in claim 1. Further, Lesley discloses the system wherein the server is further configured to receive a customer-initiated identifying signal identifying the user device, to retrieve the first account parameter in response to the identifying signal, and to issue, in response to the identifying signal and for communication to the customer, a response signal comprising at least part of the first account parameter (fig. 1, col. 4, line 28 to col. 10, line 24).

Regarding claim 10, the combination of Lesley and Davitt et al. disclose all the limitation in claim 9. Further, Lesley discloses the system wherein the server is further configured to identify the type of user device, and to issue the response signal in a form optimized for the user device (fig. 1, col. 4, line 28 to col. 10, line 24).

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 16, the combination of Lesley and Davitt et al. disclose all the limitation in claim 14. Further, Lesley discloses the system wherein the server is further configured, upon receipt of a customer-initiated cancellation signal, to not automatically reset the first account parameter to a second predetermined value (fig. 1, col. 4, line 28 to col. 10, line 24).

5. Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lesley (U.S. 6333976) in view of Davitt et al. (U.S. 6137872) and further in view of Burton et al. (Pub. No: 20020055878).

Regarding claim 8, the combination of Lesley and Davitt et al. disclose all the limitation in claim 1. However, the combination of Lesley and Davitt et al. do not disclose the system wherein the at least one subscribed communication service shares a communication medium with cable television transmission and the user device is one of a personal computer, a set top box, an interactive television, and a VoIP telephone.

In the same field of endeavor, Burton et al. disclose the system wherein the at least one subscribed communication service shares a communication medium with cable television transmission and the user device is one of a personal computer, a set top box, an interactive television, and a VoIP telephone ([0107]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile station of the combination of Lesley and Davitt et al. by specifically including the system wherein the at least one subscribed communication service shares a communication medium with cable television transmission and the user device is one of a personal computer, a set top box, an interactive television, and a VoIP telephone, as taught by Resnick et al., the motivation being in order to provide on-line ordering service to purchasers.

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 8.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.




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Dai Phuong  
AU: 2617  
Date: 12/27/2007

  
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